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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER CONTEE, JOY KIMBERLY	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/797,491

Applicant(s)

KISS ET AL.

Examiner

Joy K. Contee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-12 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 13, 14, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-5, 8-12, 15-19 filed 4/24/07 have been fully considered but they are not persuasive. Applicant argues that Dowling does not teach or suggest the currently amended claim language, wherein the network node facilitates pushing content to the terminal, such that a network node subscribes to a push service on behalf of the terminal and thus establishes a network-initiated data session with the terminal, wherein the terminal registers in response to the network-initiated data session. Examiner disagrees. Dowling discloses that a mobile network connection is made either via an Internet connection or a central server (of data server). Dowling describes a user packet filter which can be downloaded from a web page. Further, Dowling gives an example of a dentist office subscribing with the local broadcast domain in order for information regarding the availability of the dental office to mobile users entering (inherently the mobile registers with the local domain) local domain to receive (via push) that information, also a challenge and authentication may transpire (i.e., further speaks to a registration process which is known in the art) (see col. 17, line 66- col. 18, lines 47). Hence, Dowling anticipates the Applicant's instant invention whereas the claims are amended to suggest that the network node is configured to subscribe to a push service on behalf of the user terminal.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5,8-12,15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Dowling, US Patent No. 7,142,843.

Regarding claims 1,8,15, Dowling discloses a system for pushing content to a terminal located within a mobile network or a private network, the system comprising: a network node located across a public network from the network including the terminal, wherein the network node is configured to subscribe to a push service on behalf of the terminal such that the network node is also configured to receive push content in accordance with the push service, wherein the network node is thereafter configured to establish a network-initiated data session with the terminal, and wherein the network node is further capable of registering the terminal in response to the network-initiated data session such that the terminal is capable of receiving the push content based upon the registration (col. 4, line 21 to col. 5, line 36 and col. 6, line 7 to col. 10, line 67).

Regarding claim 2, Dowling discloses a system according to claim 1, wherein the network node is capable of receiving, and thereafter storing in a buffer, the push content, and wherein the network node is capable of sending the push content to the terminal from the buffer (col. 4, line 21 to col. 5, line 36 and col. 6, line 7 to col. 10, line 67).

Regarding claim 3, Dowling discloses a system according to claim 1, wherein the network node is capable of registering the terminal such that the terminal is capable of subscribing to the push service based upon the registration, and thereafter receiving the push content based upon the terminal subscribing to the push service(col. 4,line 21 to col. 5,line 36 and col. 6,line 7 to col. 10, line 67).

Regarding claim 4, Dowling discloses a system according to claim 1, wherein the network node is capable of establishing a network-initiated data session with the terminal by sending a trigger to the terminal independent of the public network to thereby trigger the terminal to register with the network node. (col. 4,line 21 to col. 5,line 36 and col. 6,line 7 to col. 10, line 67).

Regarding claim 5, Dowling discloses a system according to claim 1, wherein the network node is capable of receiving a registration message from the terminal across the public network to thereby identify the terminal across the public network and register the terminal, and wherein the network node is capable of registering the terminal such that the terminal is capable of receiving the push content based upon the identity of the terminal across the public network(col. 4,line 21 to col. 5,line 36 and col. 6,line 7 to col. 10, line 67).

Regarding claim 9, Dowling discloses a method according to claim 8, wherein receiving push content at the network node further comprises storing the push content in a buffer at the network node, and wherein sending the push content comprises sending the push content to the terminal from the buffer(col. 4,line 21 to col. 5,line 36 and col. 6,line 7 to col. 10, line 67).

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Regarding claim 10, Dowling discloses a method according to claim 8 further comprising: subscribing to the push service from the terminal based upon the registration, wherein sending the push content comprises sending the push content to the terminal based upon subscribing to the push service from the terminal(col. 4, line 21 to col. 5, line 36 and col. 6, line 7 to col. 10, line 67).

Regarding claim 11, Dowling discloses a method according to claim 8, wherein establishing a network-initiated data session with the terminal comprises sending a trigger from the network node to the terminal independent of the public network to thereby trigger the terminal to register with the network node(col. 4, line 21 to col. 5, line 36 and col. 6, line 7 to col. 10, line 67).

Regarding claim 12, Dowling discloses a method according to claim 8, wherein registering the terminal comprises receiving a registration message at the network node from the terminal across the public network to thereby identify the terminal across the public network, and wherein sending the push content comprises sending the push content based upon the identity of the terminal across the public network(col. 4, line 21 to col. 5, line 36 and col. 6, line 7 to col. 10, line 67).

Regarding claim 16, Dowling discloses a terminal according to claim 15, wherein the controller is capable of instructing the network node to subscribe to the push service such that the network node receives, and stores in a buffer, push content such that the controller is capable of receiving the push content from the buffer(col. 4, line 21 to col. 5, line 36 and col. 6, line 7 to col. 10, line 67).

Regarding claim 17, Dowling discloses a terminal according to claim 15, wherein the controller is capable of subscribing to the push service based upon the registration, and wherein the controller is capable of receiving the push content based upon subscribing to the push service from the terminal(col. 4,line 21 to col. 5,line 36 and col. 6,line 7 to col. 10, line 67).

Regarding claim 18, Dowling discloses a terminal according to claim 15, wherein the controller is capable of receiving a trigger from the network node to the terminal independent of the public network to thereby establish a network-initiated data session and trigger the terminal to register with the network node (col. 4,line 21 to col. 5,line 36 and col. 6,line 7 to col. 10, line 67).

Regarding claim 19, Dowling discloses a terminal according to claim 15, wherein the controller is capable of sending a registration message to the network node across the public network to thereby identify the terminal across the public network such that the network node is capable of registering the terminal, and wherein the controller is capable of receiving the push content based upon the identity of the terminal across the public network(col. 4,line 21 to col. 5,line 36 and col. 6,line 7 to col. 10, line 67).

#### ***Allowable Subject Matter***

4. Claims 6,7,13,14,20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is 571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571.272.7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

  
JOY K. CONTEE  
PATENT EXAMINER